

Superseded 5/10/2016

77-18a-1 Appeals -- When proper.

- (1) A defendant may, as a matter of right, appeal from:
 - (a) a final judgment of conviction, whether by verdict or plea;
 - (b) an order made after judgment that affects the substantial rights of the defendant;
 - (c) an order adjudicating the defendant's competency to proceed further in a pending prosecution; or
 - (d) an order denying bail, as provided in Subsection 77-20-1(7).
- (2) In addition to any appeal permitted by Subsection (1), a defendant may seek discretionary appellate review of any interlocutory order.
- (3) The prosecution may, as a matter of right, appeal from:
 - (a) a final judgment of dismissal, including a dismissal of a felony information following a refusal to bind the defendant over for trial;
 - (b) a pretrial order dismissing a charge on the ground that the court's suppression of evidence has substantially impaired the prosecution's case;
 - (c) an order granting a motion to withdraw a plea of guilty or no contest;
 - (d) an order arresting judgment or granting a motion for merger;
 - (e) an order terminating the prosecution because of a finding of double jeopardy or denial of a speedy trial;
 - (f) an order granting a new trial;
 - (g) an order holding a statute or any part of it invalid;
 - (h) an order adjudicating the defendant's competency to proceed further in a pending prosecution;
 - (i) an order finding, pursuant to Title 77, Chapter 19, Part 2, Competency for Execution, that an inmate sentenced to death is incompetent to be executed;
 - (j) an order reducing the degree of offense pursuant to Section 76-3-402; or
 - (k) an illegal sentence.
- (4) In addition to any appeal permitted by Subsection (3), the prosecution may seek discretionary appellate review of any interlocutory order entered before jeopardy attaches.